THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION No.27513 of 1995

DATED:05.07.2006

Between:

K. Laxmi Devei

..Petitioner

And

The Central Provident Fund Commissioner, 9th floor, Mayur Bhavan, New Delhi. and others.

..Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION No.27513 of 1995

ORDER:

Heard the learned counsel for the parties.

The petitioner filed this writ petition seeking monthly family

pension under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short "the Act").

The case of the petitioner is very unfortunate. Her husband died within two years of having been employed. The husband of the petitioner got employed on 20.09.1980 and died on 14.02.1982. In terms of the Rules, which were in force at that time, he was not entitled to any pension because the requirement for qualifying for the pension under the Act was two years of service. The petitioner made representations, which were rejected on the ground that her husband had not put up two years of service on the date of his death.

Thereafter, it appears that the Rules came to be modified with effect from 1st April 1982. The qualifying service was reduced to one year and again by another notification in the year 1989, the qualifying service was reduced to three months. The petitioner's husband died on 14.02.1982. The amended Rules came into operation from 01.04.1982. Again the petitioner was not eligible for getting the family pension. Since the Rules do not provide family pension to the petitioner, this Court cannot come to her rescue, although this Court feels that this is deserving case.

In this view of the matter, let the petitioner make a representation to the concerned authority, who may consider sympathetically and see the possibility of relaxing the Rule in view of the peculiar circumstances of the case.

The Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

5th July 2006.
GJ